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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
**(HONORABLE ROGER T. BENITEZ)**

UNITED STATES OF AMERICA,) No. CR 08-1455 BEN  
Plaintiff, )  
v. ) **STATEMENT OF FACTS AND MEMORANDUM**  
ARA E. AVETYANTS, et al. ) **OF POINTS AND AUTHORITIES IN**  
Defendants. ) **SUPPORT OF DEFENDANT'S MOTIONS**  
**TO JOIN**

Date: September 2, 2008  
Time: 2:00 p.m.

**I.**

**MOTION SEEKING JOINDER**

As it relates to the legality of the motions, defendant AVETYANTS stands equally situated as co-defendant MOTIVOSYAN and, therefore, seeks to adopt the legal arguments contained in defendant MOTIVOSYAN's motions. Based on the facts recited in Government provided discovery, both defendant AVETYANTS and co-defendant MOTIVOSYAN were alleged occupants of the relevant

1 vehicle. Although it may come to light that there are  
2 significant differences between their alleged involvement and  
3 the extent of such alleged involvement in the instant offense,  
4 those differences do not place them at odds as it pertains to  
5 the specific motions co-defendant AVETYANTS seeks to adopt.  
6

7 First, the Grand Jury issue is a legal one that pertains  
8 to all defendants in this case. Second, as co-defendant  
9 MOTIVOSYAN points out in his motion, all three people allegedly  
10 made statements in English about the fourth person and what  
11 they were doing in the park; however, it is unclear who made  
12 what statement. Therefore, joinder by defendant AVETYANTS would  
13 be legally appropriate.  
14

15  
16  
17 **II.**

18 **CONCLUSION**

19 For the foregoing reasons, defendant AVETYANTS respectfully  
20 requests this Court grant his motions.  
21

22  
23 Dated: August 8, 2008

Respectfully submitted,

24  
25 /s/ Garo Ghazarian  
26 GARO B. GHAZARIAN  
27 Attorney for Defendant  
28 ARA E. AVETYANTS